

1                                   **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

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3                                   **RESOLUTION NO. 2007 \_\_\_\_\_**

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5                   **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH**  
6                   **FLORIDA WATER MANAGEMENT DISTRICT CLARIFYING STATE**  
7                   **ASSURANCES OF PROJECT BENEFITS FOR CERP-RELATED**  
8                   **ACCELER8 PROJECTS; PROVIDING AN EFFECTIVE DATE**  
9

10           **WHEREAS**, in 2000, the U.S. Congress, in collaboration with the State of Florida  
11 passed legislation to restore America's Everglades with the multi-decade, \$7.9 billion  
12 Comprehensive Everglades Restoration Plan (CERP) and which envisioned a 50-50 cost  
13 share for the projects with the non-federal sponsor; and  
14

15           **WHEREAS**, as the largest environmental restoration project in the nation's history,  
16 the CERP is reviving the habitat for more than 60 threatened and endangered species as  
17 well as providing water for other water-related needs; and  
18

19           **WHEREAS**, the State of Florida and the South Florida Water Management District  
20 entered into a Memorandum of Agreement on October 14, 2004 to accelerate  
21 environmental restoration through early design and construction of eight Everglades  
22 restoration projects identified by the U.S. Congress as priorities; and  
23

24           **WHEREAS**, the State of Florida and the South Florida Water Management District  
25 has invested approximately \$757 million, which includes approximately \$173 million of  
26 federal funding, to acquire 99 percent of the land needed to complete the Acceler8  
27 initiative; and  
28

29           **WHEREAS**, by issuing Certificates of Participation -- a funding technique never  
30 before utilized for environmental restoration -- the South Florida Water Management  
31 District generated \$572 million to begin building the fast-tracked Acceler8 projects; and  
32

33           **WHEREAS**, when complete, the suite of Acceler8 projects will construct 25,000  
34 acres of treatment marsh, restore 70,000 acres of wetlands and provide 425,000 acre-feet  
35 of water storage; and

36           **WHEREAS**, construction of five of the eight Acceler8 projects is under way; and

37           **WHEREAS**, Congress has not passed a Water Resources Development Act since  
38 2000 or fully authorized any Project Implementation Reports, as required under the  
39 Comprehensive Everglades Restoration Plan; and  
40

41           **WHEREAS**, the Project Implementation Reports for the CERP projects which have  
42 related Acceler8 projects are awaiting completion by the federal partners and ultimately full  
43 authorization by the Congress; and  
44

1       **WHEREAS**, in the absence of a Water Resources Development Act authorizing the  
2 federal agencies to build projects, the State of Florida, in collaboration with the federal  
3 government, took creative steps to construct restoration projects, maintain progress and  
4 achieve ecological returns earlier; and  
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6       **WHEREAS**, stakeholders have expressed a strong desire for the South Florida  
7 Water Management District to maintain consistency with the federal process outlined in the  
8 Water Resources Development Act of 2000 when constructing the CERP-related Acceler8  
9 projects, including the development of Project Implementation Reports; and  
10

11       **WHEREAS**, the South Florida Water Management District remains committed to  
12 restoring the Everglades consistent with the Comprehensive Everglades Restoration Plan;  
13 **now therefore**

14  
15       **BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA**  
16 **WATER MANAGEMENT DISTRICT:**

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18       **Section 1.** The Governing Board of the South Florida Water Management District  
19 hereby provides the following Assurances of Project Benefits for the CERP related  
20 Acceler8 projects:  
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22       A. The priority of operations for each Acceler8 project is to achieve environmental benefits  
23 consistent with the intent of the CERP;  
24

25       B. The quantity, timing, and distribution of water made available for the natural system for  
26 each Acceler8 project will be identified;  
27

28       C. The water made available for the natural system by each Acceler8 project will be  
29 protected under the reservation or allocation authority set forth in Fl. Stat. Ch 373;  
30

31       D. The water made available for other water related needs for each Acceler8 project will  
32 be identified;  
33

34       E. Allocation of water for other water related needs will not take place until the water  
35 made available for the natural system is protected and the Governing Board certifies that  
36 water for other water related needs is available;  
37

38       F. Development of the operating plan for each Acceler8 project will be undertaken  
39 consistent with the identification of water for the natural system and the identification of  
40 water for other water related needs;  
41

42       G. Public involvement in the development of the operational plan for each Acceler8  
43 project will occur on a regular basis;  
44

45       H. Prior to operation of each Acceler8 project, notice of rule development in  
46 accordance with Fl Stat. Sec. 120 will be published in the Florida Administrative Weekly to  
47 protect the water made available for the natural system;

I. Reasonable assurances will be provided and documented that the quantity of water for existing legal users will not be diminished by each Acceler8 project;

J. Reasonable assurances will be provided and documented that the quantity of water for the Seminole Tribe of Florida, under the compact among the Seminole Tribe of Florida, the State and the South Florida Water Management District, defining the scope and use of the Tribe's water rights, will not be diminished by each Acceler8 project;

K. Existing levels of service for flood protection will not be diminished outside the geographic area of the project by each Acceler8 project and will be documented accordingly;

L. Water management practices for the Acceler8 projects will continue to be adapted to meet the needs of the natural system;

M. Once Congress authorizes a Project Implementation Report for a Comprehensive Everglades Restoration Plan project, which encompasses an Acceler8 project, any previously existing protection of natural system water for an Acceler8 project will be reviewed and modified where necessary to be consistent with the identification of water for the natural system in the Project Implementation Report and will be protected using the State's reservation or allocation authority. Such modifications will occur prior to signature of a Project Cooperation Agreement.

N. Once a Project Cooperation Agreement for a Comprehensive Everglades Restoration Plan Project is signed, which encompasses an Acceler8 project, the operation plan for the Acceler8 project will be modified where necessary to be consistent with the reservation or allocation of water adopted prior to signature of the Project Cooperation Agreement for that project.

**Section 2.** This resolution shall take effect immediately upon adoption.

**PASSED** and **ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2007.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD

By: \_\_\_\_\_  
Chair

ATTEST:

Approved as to form:  
By:

\_\_\_\_\_  
District Clerk